

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
vs.)	Case No. 1:09-CV-8034-VEH-TMP
)	1:08-CR-197-VEH-TMP
JANKOWICZ DENOTA McELDERRY,)	
)	
Defendant/Movant.)	

ORDER

The magistrate judge filed his report and recommendation on July 16, 2010, recommending in part the denial of the defendant's motion to compel the government to file a Rule 35 motion for a sentencing reduction due to his substantial assistance. Having now carefully reviewed and considered *de novo* that portion of the report and recommendation, the court finds that the report is due to be **ADOPTED** and the recommendation **ACCEPTED**. Accordingly, the defendant's motion to compel the government to file a Rule 35 motion is **DENIED**.

DONE and **ORDERED** this the 28th day of September, 2010.



VIRGINIA EMERSON HOPKINS
United States District Judge